URUKIKO RWISUMBUYE RWA NYARUGENGE RURI I NYARUGENGE RUHABURANISHIRIZA IMANZA Z'IMBONEZAMUBANO RUCIYE MU RUHAME URUBANZA RC 00024/2017/TGI/NYGE NONE KUWA 09/06/2017 MU BURYO BUKURIKIRA:

ABABURANYI

UREGA:

BHARAT Shantilal mwene HASHMAT Rahamatali na SHANTILAL Jetha, wavutse mu 1960, utuye mu Mudugudu wa Kirwa, Akagari ka Nyakabanda II, Umurenge wa Nyakabanda, Akarere ka Nyarugenge, Umujyi wa Kigali, ufite ID N° 11960800000920075 na *téléphone* +250788501809 na *e-mail*:bharatshantiral2@gmail.com.

ABAREGWA:

1. **USENGIMANA Richard**, utuye mu Mudugudu w'Akimana, Akagari ka Kigarama, Umurenge wa Kigarama, Akarere ka Kicukiro, Umujyi wa Kigali, ufite *téléphone* +250788301709.

2. **MUKASEKURU Judith**, utuye mu Mudugudu w'Akimana, Akagari ka Kigarama, Umurenge wa Kigarama, Akarere ka Kicukiro, Umujyi wa Kigali, ufite *téléphone* +250788301709.

IKIREGERWA:

Gusaba kwandikwaho umutungo naguze na USENGIMANA Richard uri ku butaka bufite UPI 1/02/08/02/841 buri mu kagari ka Kimihurura, umurenge wa Kimihurura, Akarere ka Gasabo, umujyi wa Kigali.

IMITERERE Y'URUBANZA

1. Tariki ya 22/05/2014 USENGIMANA Richard yagurishije BHARAT Shantilal inzu iri mu kibanza UPI 1/02/08/02/541 giherereye mu Kagari ka Kimihurura, Umurenge wa Kimihurura, Akarere ka Gasabo, amuha icyangombwa cy'umutungo amubwira ko azamukorera ihererekanya (*mutation*), ibyo akaba aribyo byatumye atanga ikirego asaba ko yandikwa ku mutungo we no kumuha miliyoni imwe (1.000.000) yo gukurikirana urubanza, miliyoni imwe (1.000.000)

y'igihembo cya Avoka no kumusubiza amafaranga ibihumbi mirongo itanu (50.000) yatanze aregera Urukiko.

2. USENGIMANA Richard ntiyitabye Urukiko ariko mu kwiregura kwe yavuze ko yemera ko yagurishije inzu BHARAT Shantilal, ko impamvu atamukoreye *mutation* aruko yarwaye akajya kwivuriza hanze, naho MUKASEKURU Judith akaba ntacyo yavuze ku kirego aregwa.

3. Urubanza rwaburanishirijwe mu ruhame tariki ya 11/05/2017, BHARAT Shantial ahagarariwe na Me BARAGONDOZA Jean Damascène, USENGIMANA Richard na MUKASEKURU Judith badahari.

4. Muri uru rubanza harasuzumwa ibibazo bikurikira:

A. Kumenya niba BHARAT Shantilal yakwandikwa ku nzu yaguze na USENGIMANA Richard.

B. Kumenya ishingiro ry'indishyi n'amafaranga asabwa na BHARAT Shantilal.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

A. Kumenya niba BHARAT Shantilal yakwandikwa ku nzu yaguze na USENGIMANA Richard

5. Me BARAGONDOZA Jean Damascène uburanira BHARAT Shantilal avuga ko tariki ya 22/05/2015 yaguze inzu iri mu kibanza UPI 1/02/08/02/541 giherereye mu Kagari ka Kimihururura, Umurenge wa Kimihurura, Akarere ka Gasabo, Umujyi wa Kigali ku giciro cya miliyoni mirongo inani (80.000.000) y'u Rwanda hakaba hashize imyaka ibiri (2) atarakorerwa ihererekanya (*mutation*), ibyo akabishingiraho asaba ko BHARAT Shantilal yandikwa ku mutungo we akawugiraho umudendezo.

6. USENGIMANA Richard ntiyigeze yitaba Urukiko ariko mu kwiregura kwe muri *system* avuga ko yagurishije BHARAT Shantilal inzu akamwishyura, ko icyatumye atamukorera ihererekanya (*mutation*) aruko arwariye i Burayi akaba adashobora kubona uko agaruka mu Rwanda, naho uwo bashakanye MUKASEKURU Judith akaba ataritabye ngo agire icyo avuga ku kirego cya BHARAT Shantilal.

7. Ingingo ya 162 y'Itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganya ko: «***Itegeko ryo kuwa 30/07/1888 ryerekeye imirimo nshinganwa cyangwa amasezerano rikomeza gukurikizwa ku bijyanye n'inshingano***

zidashingiye ku masezerano, amasezerano yihariye, uburyozwe bw'amakosa, ubuzime, mu gihe amategeko yihariye abigenga atarashyirwaho», naho ingingo ya 264 y'Itegeko ryo kuwa 30 Nyakanga 1988 ry'urwunge rw'amategeko y'imbonezamubano [igitabo cya gatatu:] ibyerekeye imirimo nshinganwa cyangwa amasezerano igateganya ko:***«Igurisha riba ryuzuye hagati y'abagiranye amasezerano kandi umugurisha akegurira burundu umuguzi icyagurishijwe mu gihe bumvikanye ku kintu no ku giciro cyacyo n'ubwo ikigurishwa cyaba kitari cyatangwa n'ikiguzi cyacyo kikaba kitari cyishyurwa».***

8. Urukiko rurasanga BHART Shantilal yemera ko yagurishije USENGIMANA Richard inzu iri mu kibanza UPI 1/02/08/02/541 giherereye mu Kagari ka Kimihurura, Umurenge wa Kimihurura, Akarere ka Gasabo, Umujyi wa Kigali, akaba adahakana ko yandikwaho uwo mutungo, MUKASEKURU Judith akaba ntacyo yabivuzeho, ku bwibyo rero BHART Shantilal akaba agomba kwandikwaho umutungo we yaguze mu buryo bukurikije amategeko; naho kuvuga ko impamvu atamukoreye iherererekanya (*mutation*) aruko yagiye kwivuza i Burayi, nta shingiro bikwiye guhabwa kubera ko ntacyo bishingiyeho kandi bikaba bitamukuraho kubahiriza inshingano ye ikomoka ku masezerano bagiranye.

B. Ku ndishyi n'andi mafaranga bisabwa na BHARAT Shantilal

9. Me BARAGONDOZA Jean Damascène uburanira BHARAT Shantilal asaba ko USENGIMANA Richard na MUKASEKURU Judith bamuha 1.000.000 frw yo gukurikirana urubanza na 1.000.000 frw y'igihembo cya Avoka no gusubizwa 50.000 frw y'igarama; naho USENGIMANA Richard mu kwiregura kwe muri *system* akavuga ko ayo mafaranga adakwiye gutangwa, ko yagombaga gutegereza akabanza gukira akabona kumukorera iherererekanya (*mutation*).

10. Ingingo ya 162 y'Itegeko N° 45/2011 ryo kuwa 25/11/2011 rigenga amasezerano iteganya ko: ***« Itegeko ryo kuwa 30/07/1888 ryerekeye imirimo nshinganwa cyangwa amasezerano rikomeza gukurikizwa ku bijyanye n'inshingano zidashingiye ku masezerano, amasezerano yihariye, uburyozwe bw'amakosa, ubuzime, mu gihe amategeko yihariye abigenga atarashyirwaho».*** Ingingo ya 258 y'Itegeko ryo kuwa 30 nyakanga 1988 ry'urwunge rw'amategeko y'imbonezamubano [igitabo cya gatatu:] ibyerekeye imirimo nshinganwa cyangwa amasezerano iteganya ko: ***«Igikorwa cyose cy'umuntu cyangirije undi gitegeka nyirugukora ikosa rigikomokaho kuriha ibyangiritse (…)»***.

11. Urukiko rurasanga muri uru rubanza BHARAT Shantilal afite umwavoka umuburanira akaba yatsinze urubanza, bityo USENGIMANA Richard na MUKASEKURU Judith bakaba bakwiye kumuha amafaranga ibihumbi magana atanu (500.000) y'u Rwanda y'igihembo cya Avoka n'ibihumbi ijana (100.000) y'u Rwanda yo gukurikirana urubanza kuko asabwa ari menshi kandi hatanagaragazwa ishigniro ryayo, akanamusubiza n'amafaranga ibihumbi mirongo itanu (50.000) y'u Rwanda yatanze aregera Urukiko nk'uko biteganywa n'ingingo ya 3 y'Iteka rya Minisitiri N°002/08.11 ryo ku wa 11/02/2014 rigena amafaranga atangwa mu manza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi ivuga ko*:« **iyo umuburanyi watanze amafaranga y'ingwate y'amagarama atsinze urubanza, umucamanza ategeka, mu cyemezo cy'urukiko, uwatsinzwe kuyamwishyura, akagena n'igihe azishyurwamo**»*.

III. <u>ICYEMEZO CY'URUKIKO</u>

12. Rwemeje ko ikirego cya BHARAT Shantilal gifite ishingiro.

13. Rutegetse ko BHARAT Shantilal yandikwaho inzu iri mu kibanza UPI 1/02/08/02/541 giherereye mu Kagari ka Kimihurura, Umurenge wa Kimihurura, Akarere ka Gasabo, Umujyi wa Kigali.

14. Rutegetse USENGIMANA Richard na MUKASEKURU Judith guha BHARAT Shantilal amafaranga ibihumbi magana atanu (500.000) y'igihembo cya Avoka n'ibihumbi ijana (100.000) y'u Rwanda yo gukurikirana urubanza.

15. Rutegetse USENGIMANA Richard na MUKASEKURU Judith gusubiza BHARAT Shantilal amafaranga ibihumbi mirongo itanu (50.000) y'u Rwanda yatanze aregera Urukiko.

RUKIJIJWE RUTYO KANDI RUSOMEWE MU RUHAME NONE KUWA 09/06/2017, RUGIZWE NA HAKUZIMANA Jean Damascène: UMUCAMANZA, AFASHIJWE NA AYINKAMIYE Shemsa: UMWANDITSI W'URUKIKO.

(Sé)	**(Sé)**
HAKUZIMANA Jean Damascène	**AYINKAMIYE Shemsa**
UMUCAMANZA	**UMWANDITSI**

Iyi kopi ihuye n'inyandiko y'umwimerere
Bikorewe i Nyarugenge kuwa……/……../……..……

Umwanditsi w'Urukiko:……